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PA 12/6/05

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the **PATENT APPLICATION** of:

Westhoff et al.

Application No.: 09/395,106

Confirmation No.: 5428

Filed: September 14, 1999

For: MANHOLE STEP INSERT FOR
PREVENTING SEEPAGE DURING
MANUFACTURE OF A CAST MEMBER AND
TO PROVIDE A STEP INSERT HAVING
INCREASED STRUCTURAL AND HOLDING
STRENGTH

Group: 3637

Examiner: Phi Dieu Tran A

RECEIVED

OCT 15 2004

Our File:

GROUP 3600

Date:

October 6, 2004

REPLY BRIEF TO EXAMINER'S ANSWER

Mail Stop Appeal Brief-Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the rejection of claim 41 based on Brooks under 35 U.S.C. §102, there is **no** exterior surface having a portion which lies in a plane inclined to said longitudinal axis. A plane aligned with the exterior surface would be tangential to a curved surface to define a straight line and only a straight line (and **not** a portion of a surface) would lie in the plane.